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Attorneys for Plaintiff
ORACLE AMERICA, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.
Plaintiff,
v.
GOOGLE INC.
Defendant.

Case No. CV 10-03561 WHA
**DECLARATION OF ANDREW
TEMKIN IN SUPPORT OF GOOGLE'S
ADMINISTRATIVE MOTION TO
SEAL, ECF NO. 1583**

Dept.: Courtroom 8, 19th Floor
Judge: Honorable William H. Alsup

1 I, Andrew Temkin, declare and state as follows:

2 1. I am an attorney employed by Oracle America, Inc. ("Oracle"). My current title is
3 Senior Corporate Counsel. One of my responsibilities is supervising Oracle's outside counsel
4 with respect to litigation matters, including Oracle's lawsuit against Google. I am familiar with
5 Oracle's policies and business practices, including what information Oracle considers confidential
6 and does not disclose to the public.

7 2. I submit this declaration pursuant to Civil Local Rule 79-5 in connection with
8 Google's Administrative Motion to File Under Seal, ECF No. 1583. I have personal knowledge
9 of the facts set forth herein, and if called upon as a witness, I could testify to them competently
10 under oath.

11 3. Google has submitted Dr. Kearl's Corrected March 18, 2016 Report in connection
12 with its Motion to Strike Dr. Kearl's Report, see ECF No. 1583-6. As set forth in my declaration
13 of March 28, 2016 (ECF No. 1577), Dr. Kearl's Corrected Report contains confidential financial
14 information constituting Oracle's Designated Material under the Protective Order. The last two
15 sentences of paragraph 92 of Dr. Kearl's report reflect actual and projected Java ME revenues in
16 2015. Oracle's annual revenue information for specific lines of Java business is confidential and
17 has always been treated as such. Oracle does not disclose annual revenue information for Java
18 ME to the public and restricts knowledge of this information within Oracle to a subset of persons
19 who need the information for their business operations. Disclosure to the public and to Oracle's
20 competitors of recent annual revenue information could harm Oracle by giving competitors
21 insight into competitive information that would otherwise remain confidential. Similarly, Dr.
22 Kearl's projection for 2015 Java ME revenue, if disclosed to the public, would permit competitors
23 to calculate actual Java ME revenues. Accordingly, Oracle requests that actual and projected
24 Java ME revenues reflected in paragraph 92 remain under seal. Oracle submits that the risk of
25 competitive harm that would be created by public disclosure of this information amounts to a
26 compelling reason to grant Oracle the narrow sealing order requested herein.

27 4. Exhibit 6 to Dr. Kearl's report reflects actual and projected Java ME licensing
28 revenue for each year from 2009 to 2015. For the reasons discussed above, Oracle requests that

1 such data remain under seal for the years 2014 and 2015. In addition, Exhibit 6 reflects data
2 regarding incremental expenses for Oracle's Java ME business. This information is confidential
3 and has always been treated as such. Oracle does not disclose incremental expenses for Java ME
4 to the public and restricts knowledge of this information within Oracle to a subset of persons who
5 need the information for their business operations. Disclosure to the public and to Oracle's
6 competitors of this information could harm Oracle by giving competitors insight into competitive
7 information that would otherwise remain confidential. Accordingly, Oracle requests that
8 incremental expense information for 2014 and 2015 remain under seal. Oracle submits that the
9 risk of competitive harm that would be created by public disclosure of this information amounts
10 to a compelling reason to grant Oracle the narrow sealing order requested herein.

11
12 I declare under penalty of perjury under the laws of the State of California and the United
13 States of America that the foregoing is true and correct to the best of my knowledge.

14 Executed this 12th day of April, 2016, at San Francisco, CA.

15
16 

17 Andrew Temkin